(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 259 OF 2002

BETWEEN

Smt. Kadam Bai W/o Bahoran Lal aged about 50 years, R/o Village Parsada, P.O. Bharani, Tahsil Takhatpur, District Bilaspur (C.G.)

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary Department of Panchayat, D.K.S. Building, Raipur.
2. Commissioner, Bilaspur Division, Bilaspur
3. Smt. Poonam Goswami, Ex. Sarpanch, Gram Pahchayat Parsada, (Devrikala) P.S. Charbhata, District Bilaspur.
4. The Additional Collector, Bilaspur.
5. Chief Executive Officer, Janpad Panchayat Takhatpur.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

26/2/02
Shri Hemant Kalhotra
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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(63)

आदेश पत्रक

W.P. No. 259/2002

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-7-2003

Smt. Renu Kochar, Adv. for the petitioner.

Shri Rajesh Pandey, Govt. Adv. for respondents/State.

Shri Rajeev Shrivastava, Adv. for respondent No. 3.

So far as respondent No. 2 is concerned, the post has been abolished.

Heard on I.A. No. 2321/2002 for amendment.

Not opposed.

The application is allowed. Amendment be incorporated.

Shri Rajeev Shrivastava has filed an application I.A. No. 331/2003 for change of counsel.

The application is allowed.

With consent heard finally.

Petitioner's submission is that proceedings for removal of respondent no. 3 Smt. Punam Goswami were started and the Sub-Divisional Officer passed an order on 11-9-2001 vide annexure P-8. Then the respondent NO. 3 preferred an appeal before the Collector which was decided by the Additional

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आदेश पत्रक

W.P.No. 259/2002

मामला क्रमांक ..... / **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Collector vide order dated 10-12-2001 vide annexure P-2. He found that proper opportunity was not given to the person and remanded the matter. Against that order, a revision was preferred before the Commissioner along with the application for grant of stay. The application was rejected by the impugned order dated 21-1-2002. During this period the post of Commissioner was abolished with effect from 31-12-2002. Petitioner Kadam Bai who had been given officiating charge because of removal, preferred the present petition before this Court on 30-1-2002. The matter came up for hearing on 31-1-2002 and the Court directed the parties to maintain status quo as on that date.

Counsel for the parties submit that the Commissioner's post having been abolished, now the revision lies before the Director of Panchayat. This revision is now to be heard by the Director of Panchayat. This petition has not been admitted by this Court and vide order dated 31-1-2002, only notice has been issued.

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W.P. No. 259/2002

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Shri Rajeev Shrivastava appearing for respondent No. 3 submits that the matter is squarely covered by the decision reported in 2002 (2) C.L.J., 57 (Smt. Ranibai vs. State of Chhattisgarh & others) and order passed by the collector is just and proper. It is also submitted that the petitioner has no locus. The petition has not yet been admitted. Only an interim order has been passed for maintaining status quo. Counsel for the parties submit that Commissioner's post has now been abolished. Having considered the facts and circumstances of the case and material on record, without expressing any opinion on merit it is directed that if the petitioner presents a revision along with application for stay before the Director of Panchayat within 30 days from today, the matter including application will be heard and decided on its own merits in accordance with law. On prayer made by the petitioner, it is directed that till the filing of the revision within the stipulated period, the status quo as it exists today shall be maintained by the parties.	

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(65)

आदेश पत्रक

मामला क्रमांक W.P. 259/2002 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	With these observations, the petition is disposed of. I.A. No. 2873/2003 stands disposed of. Certified copy as per rules. Sd/- Fakhruddin Judge	

Pattrak